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NEWEL LAW  
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Attorney for Plaintiff  
MICHELLE YVETTE BENAVIDEZ

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

MICHELLE YVETTE BENAVIDEZ,

Plaintiff,

v.

COMMISSIONER OF  
SOCIAL SECURITY,

Defendant.

No. 1:23-CV-00773 (BAM)

**STIPULATION AND ~~PROPOSED~~  
ORDER FOR AWARD OF COSTS  
PURSUANT TO THE EQUAL ACCESS TO  
JUSTICE ACT (28 U.S.C. §2412 (d), §1920)**

1 IT IS HEREBY STIPULATED by and between the parties, through their undersigned  
2 attorneys, subject to the approval of the Court and in accordance with 28 U.S.C. §§1920, 2412  
3 (d), that Michelle Yvette Benavidez (“Plaintiff”) be awarded costs in the amount of four hundred  
4 and two dollars (\$402.00) incurred in connection with the above-referenced action.

5 This stipulation constitutes a compromise settlement of Plaintiff’s request for costs  
6 incurred in Plaintiff’s EAJA action and does not constitute an admission of liability on the part of  
7 Defendant under EAJA. Payment of the agreed amount shall constitute a complete release from,  
8 and bar to, any and all claims that Plaintiff and/or Plaintiff’s counsel may have relating to EAJA  
9 attorney expenses in connection with this action.

10 Pursuant to the assignment executed by Plaintiff, the reimbursement of costs incurred by  
11 Plaintiff will be made payable to Melissa Newel or Newel Law (collectively “Plaintiff’s counsel”)  
12 and shall be delivered to Plaintiff’s counsel. This award is without prejudice to the rights of  
13 Plaintiff’s counsel to seek Social Security Act attorney fees under 42 U.S.C. §406(b), subject to  
14 the savings clause provisions of the EAJA.

15  
16 Dated: March 12, 2024

Respectfully submitted,

NEWEL LAW

18 By: Melissa Newel  
19 Melissa Newel  
20 Attorney for Plaintiff  
MICHELLE YVETTE BENAVIDEZ

21  
22 Dated: March 12, 2024

PHILLIP A. TALBERT  
United States Attorney  
MATHEW W. PILE  
Associate General Counsel  
Social Security Administration

25 By: Marcelo Illarmo\*  
26 MARCELO ILLARMO  
27 (\*Authorized by email dated 03/12/2024)  
28 Special Assistant U.S. Attorney  
Attorneys for Defendant

**ORDER**

IT IS HEREBY ORDERED that, pursuant to the Equal Access to Justice Act, 28 U.S.C. §2412 (d), and 28 U.S.C. §1920, associated costs in the amount of **four hundred two dollars and no cents (\$402.00)** be awarded subject to the terms of the Stipulation.

IT IS SO ORDERED.

Dated: **March 13, 2024**

/s/ *Barbara A. McAuliffe*  
UNITED STATES MAGISTRATE JUDGE